

ORDINANCE NO. 89-4

ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
AMENDING SECTION 7 OF ORDINANCE NO. 76-2, AS
AMENDED, TO SPECIFY EXEMPTIONS FROM THE
PAYMENT OF FEES; PROVIDING FOR SEVERABILITY;
REPEAL OF CONFLICTING LAWS; EFFECT OF
CAPTIONS; CODIFICATION; AND EFFECTIVE DATE

9 WHEREAS, Section 7 of Ordinance No. 76-2, as amended by
10 Ordinance No. 87-12, provides for the exemption of certain
11 individuals, agencies, corporations, and businesses from the
12 payment of fees for the obtaining of a permit for public right-
13 of-way construction; and

14 WHEREAS, it is appropriate and desirable to more
15 specifically define those circumstances in which fee exemptions
16 shall be permitted.

17 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
18 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

19 "Section 7. Fees" of Ordinance No. 76-2, as amended by
20 Ordinance No. 87-12, is amended to read:

Section 7. Fees.

29 (1) Where the construction performed is for the benefit
30 of a governmental or subgovernmental agency and that agency is a
31 direct party to the contract for said construction.

32 (2) Where the permittee is under contract to deliver
33 the constructed project over to a governmental or subgovernmental
34 agency upon completion of the project.

1 **ORDINANCE/FEE SCHEDULE/PERMITS**

2 **(2) (3)** Where the construction is performed by a cable
3 television company licensed to operate within the County by the
3 Board of County Commissioners pursuant to county ordinance.

4 **(3) (4)** Where the right-of-way lies within the corporate
5 boundaries of a municipality and the municipality charges a permit
6 fee for inspection of the same construction or installation work.

7 In no event shall these fees be waived in instances
8 wherein any construction is pursuant to conditions associated with
9 or required through zoning and/or a planned unit development.

10 **SECTION 13 - SEVERABILITY:**

11 If any section, paragraph, sentence, clause, phrase, or
12 word of this Ordinance is for any reason held by the Court to be
13 unconstitutional, invalid, inapplicable, inoperative, or void,
14 such holding shall not affect the remainder of this Ordinance or
15 its applicability to other facts and circumstances.

16 **SECTION 14 - REPEAL OF LAWS IN CONFLICT:**

17 Any local laws, and ordinance applying to the
18 unincorporated area of Palm Beach County in conflict with any
19 provision of this Ordinance are hereby repealed.

20 **SECTION 15 - CAPTIONS:**

21 The captions, section headings, and designations are for
22 convenience only and shall have no effect on the interpretation
23 of the provisions herein.

24 **SECTION 16 - CODIFICATION:**

25 This Ordinance shall be codified in the Code of Laws and
26 Ordinance of Palm Beach County and the sections of this Ordinance
27 may be renumbered or relettered to accomplish such codification.

28 **SECTION 17 - EFFECTIVE DATE:**

29 The provisions of this Ordinance shall become effective
30 upon receipt of acknowledgement by the Secretary of State.

ORDINANCE/FEE SCHEDULE/PERMITS

1 APPROVED AND ADOPTED by the Board of County
2 Commissioners of Palm Beach County, Florida, on the 21st day of
3 March, 1989.

4 ATTEST:
5 JOHN B. DUNKLE, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 By: J. C. Allen
11 County Attorney

Acknowledgement by the Department of State of the State of Florida, on the 27th day of March, 1989.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 3/21/89
DATED at West Palm Beach, FL on 4/4/89
JOHN B. DUNKLE, Clerk
Bv: Deputy Clerk D.G.
Deputy Clerk

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